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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 7

[NPS-BRCA-16897; PA.PD191235A.00.3]

RIN 1024-AE23

### Special Regulations, Areas of the National Park System, Bryce Canyon National Park, Bicycling

**AGENCY:** National Park Service, Interior

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service is proposing to construct a paved, multi-use visitor path in Bryce Canyon National Park. The path would be approximately 6.2 miles long and be open to several uses, including running, walking, and bicycling. National Park Service regulations require promulgation of a special regulation to designate new routes for bicycle use off park roads and outside developed areas.

**DATES:** Comments must be received by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may submit your comments, identified by Regulation Identifier Number (RIN) 1024- AE23, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: Bryce Canyon National Park, P.O. Box 640201, Bryce Canyon, UT 84764-0201
- Hand Deliver to: Superintendent's Office, Bryce Canyon National Park Visitor Center

*Instructions:* All submissions received must include the agency name and docket number or RIN for this rulemaking.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Daniel J. Cloud, Chief of Facility Management, Bryce Canyon National Park, at 435-834-4720 or at the address listed in the **ADDRESSES** section.

**SUPPLEMENTARY INFORMATION:**

**Background**

Bryce Canyon National Park (BRCA or park) is in south-central Utah. The park encompasses approximately 35,835 acres and ranges between 6,600 and 9,100 feet in elevation. BRCA was originally established as a national monument by presidential proclamation in 1923. The park was renamed Utah National Park in 1924, and the name was changed to Bryce Canyon National Park in 1928.

The park's most noted feature is the eroded landscape below the east rim of the Paunsaugunt Plateau. The erosional force of frost-wedging and the dissolving power of rainwater have worn away the colorful and weak limestone rock into bizarre shapes, including slot canyons, windows, fins, and spires called "hoodoos." Because the park transcends 2,500 feet of elevation, the park exists in three distinct climatic zones characterized by spruce/fir forest, ponderosa pine forest, and pinyon pine/juniper woodlands. The diversity of forest and meadow habitats provides a high degree of plant and animal diversity. BRCA is also one of the best places to experience a truly dark night sky.

The park's purpose statement, which provides the foundation for park management, administration, and use decisions, states that "Bryce Canyon National Park protects and conserves resources integral to a landscape of unusual scenic beauty exemplified by highly colored and fantastically eroded geological features, including rock fins and spires, for the benefit and enjoyment of the people." (May 2014 Foundation Document). The park's Foundation Document identifies "increased use of alternative transportation (e.g., biking, hiking) within and surrounding the park" as an opportunity to protect clean air – one of the fundamental resources of the park. The proposal to construct a multi-use path in the park would support the park's purpose statement by providing a new opportunity for safe enjoyment and protection of the fundamental resources in the park.

### **Purpose of the Multi-Use Path**

The primary purpose of the multi-use path is to relieve safety problems for visitors of all ages who choose to use non-motorized transportation to experience the park and adjacent United States Forest Service (USFS) areas near Bryce Canyon City. Increases in visitation of the park (30% increase between 2008 and 2012) are leading to transportation system capacity problems and traffic congestion. Cyclists and pedestrians need a way to travel to and within the park that is safer, provides a better visitor experience, and promotes non-motorized travel between nearby communities and the park as well as between key destinations in the park.

The path would enhance the park's transportation system by connecting the park's gateway communities with high visitor use areas along the canyon rim in the Bryce Amphitheater and other key features of the park. The proposed path would also connect to the existing transportation system, including visitor shuttle buses, hiking trails and walking paths, parking lots, and roads. This would link major visitor attractions and facilities with both non-

motorized and motorized transportation modes. Visitor safety would be improved by separating motor vehicles from bicyclists, pedestrians, and other non-motorized user groups where possible.

The multi-use path would consist of two contiguous sections constructed in two phases. The first segment would be approximately 3.9 miles long. This segment would begin at the park boundary near the main park road to/from Bryce Canyon City. The path would roughly parallel the main park road and continue to the visitor center and North Campground area. The path would then run southeast toward the canyon rim, behind the General Store and Lodge area, and to the Sunset Point parking lot where it would turn back to parallel the main park road. The path would then leave the main park road and branch toward Inspiration Point parking area. The NPS intends to complete construction of the first segment by the fall 2015.

The second segment would be approximately 2.3 miles long and would mostly follow Bryce Point road to a terminus at a trailhead just below the Bryce Point parking area. The NPS would construct the second segment as resources become available.

In total, the path would be approximately 6.2 miles long within the boundary of the park. No portion of the proposed path would be constructed below the canyon rim on park lands, nor in proposed wilderness areas inside the park. For most locations, the path would consist of a 10-foot wide paved asphalt surface. The path would generally parallel the main park road to provide separation between users and vehicles to reduce the likelihood of related safety problems. Spurs from the main path alignment would be designed to provide visitor access to key viewpoints and other landscape features. The path would continue outside of the boundary of the park through Bryce Canyon City and Dixie National Forest. This would provide a safe, efficient, and family-friendly way to access these connected areas.

## **Environmental Assessment**

In September 2014, the NPS published the Multi-use Visitor Path Environmental Assessment (EA). The proposed rule would implement the preferred alternative (Alternative Alignment A) as described in the EA. The EA, which contains a full description of the purpose and need for taking action, scoping, the alternatives considered, maps of the proposed multi-use path, and the environmental impacts associated with the project, may be viewed on the park's planning website at <http://parkplanning.nps.gov/brca>, by clicking on the link entitled "Bryce Canyon National Park Multi-Use Path" and then clicking on the link entitled "Document List."

### **Proposed Rule**

This proposed rule complies with the requirement of 36 CFR 4.30, which requires a special regulation to designate new bicycle routes off park roads and outside of developed areas. The EA addresses bicycle use on the multi-use path and evaluates (i) the suitability of the trail surface for bicycle use; and (ii) life cycle maintenance costs, safety considerations, methods to prevent or minimize user conflict, methods to protect natural and cultural resources and mitigate impacts, and integration with commercial services and alternative transportation systems in compliance with 36 CFR 4.30(d)(1)-(2).

The proposed rule would add a new section 7.94 to 36 CFR part 7 – Special Regulations, Areas of the National Park Service for Bryce Canyon National Park. The proposed rule would authorize the superintendent to designate all or a portion of two segments of the proposed 6.2-mile-long multi-use path as a route for bicycle use. The Superintendent would notify the public of any such designation through one or more of the methods outlined in 36 CFR 1.7, and place the designation on maps that are available in the office of the Superintendent and other places convenient to the public.

The proposed rule would also authorize the superintendent to establish closures or restrictions for bicycle use on designated routes after considering public health and safety, resource protection, and other management activities and objectives, provided public notice is given under 36 CFR 1.7.

#### **Compliance with Other Laws, Executive Orders and Department Policy.**

##### **Regulatory Planning and Review (Executive Orders 12866 and 13563).**

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

##### **Regulatory Flexibility Act.**

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on information contained in the economic analyses found in the report entitled “Cost-Benefit Analysis: Proposed Regulations to Designate New Routes for Bicycle Use in Bryce Canyon

National Park” which is available online at <http://parkplanning.nps.gov/brca> by clicking on the link entitled “Bryce Canyon National Park Multi-Use Path” and then clicking on the link entitled “Document List.”

#### **Small Business Regulatory Enforcement Fairness Act.**

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- (a) Does not have an annual effect on the economy of \$100 million or more.
- (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

#### **Unfunded Mandates Reform Act.**

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. It addresses public use of national park lands, and imposes no requirements on other agencies or governments. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

#### **Takings (Executive Order 12630).**

This rule does not affect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

#### **Federalism (Executive Order 13132).**

Under the criteria in section 1 of Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This proposed rule only affects use of NPS administered lands and waters. It has no outside effects on other areas. A Federalism summary impact statement is not required.

**Civil Justice Reform (Executive Order 12988).**

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

**Consultation with Indian tribes (Executive Order 13175 and Department Policy).**

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175. During the environmental assessment process, we consulted with the 10 Native American groups associated with BRCA and determined that there are no substantial direct effects on federally recognized Indian tribes.

**Paperwork Reduction Act.**

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not required. We may



not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

**National Environmental Policy Act.**

We have prepared the EA to determine whether this rule will have a significant impact on the quality of the human environment under the National Environmental Policy Act of 1969. A copy of the EA can be found online at <http://parkplanning.nps.gov/brca> by clicking on the link entitled “Bryce Canyon National Park Multi-Use Path” and then clicking on the link entitled “Document List.”

**Effects on the Energy Supply (Executive Order 13211).**

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

**Clarity of this rule.**

We are required by Executive Orders 12866 (section 1(b)(12)) and 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use common, everyday words and clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or

paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

**Drafting Information:** The primary author of this regulation is Jay P. Calhoun, Regulations Program Specialist, National Park Service.

**Public Participation.**

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule by one of the methods listed in the **ADDRESSES** section of this document.

**Public availability of comments.**

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**List of Subjects in 36 CFR Part 7**

National parks, Reporting and Recordkeeping requirements.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR Part 7 as set forth below:

**PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM**

1. The authority citation for Part 7 continues to read as follows:

**Authority:** 16 U.S.C. 1, 3, 9a, 462(k); Sec. 7.96 also issued under 36 U.S.C. 501-511, D.C. Code 10-137 (2001) and D.C. Code 50-2201 (2001).

2. Add § 7.94 to read as follows:

**§ 7.94 Bryce Canyon National Park.**

(a) The Superintendent may designate for bicycle use routes or portions of routes on the following sections of the park's multi-use recreational path:

(1) A section between the park boundary near Bryce Canyon City and Inspiration Point parking area (approximately 3.9 miles).

(2) A section between the intersection of Bryce Point road and Inspiration Point road and a trailhead near Bryce Point parking area (approximately 2.3 miles).

(b) The Superintendent will provide notice of all bicycle route designations through one or more of the methods listed in § 1.7 of this chapter, and place the designations on maps that are available in the office of the Superintendent and other places convenient to the public.

(c) The Superintendent may open or close designated bicycle routes, or portions thereof, or establish conditions or restrictions for bicycle use after considering public health and safety, natural and cultural resource protection, carrying capacity, and other management activities and objectives.

(1) The Superintendent will provide public notice of all such actions through one or more of the methods listed in § 1.7 of this chapter.

(2) Violating a closure, condition, or restriction is prohibited.

Dated: November 17, 2014.

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Michael Bean,  
Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

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